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June 11, 2019

BY ECF

The Honorable Judge Gregory H. Woods
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, New York

Re: United States v. Marcos Elias
18 Cr 419 (GHW)

Dear Judge Woods:

We write to provide a limited supplement to the joint letter filed on June 10, 2019 by AUSA Sagar Ravi (ECF No. 50). The joint letter was the product of extensive discussions between the parties, but we respectfully submit the Court should be advised of additional information regarding our client's post-plea interview by the government. We asked the government repeatedly to include this information in the joint submission but it refused to do so.

As the Court is now aware, Mr. Elias voluntarily submitted to an interview by the government on May 2, 2019 without any proffer protection. The government acknowledged that Mr. Elias' offer to submit to such an interview post-plea was "unprecedented" and that the government weighed positively his willingness to do so. The government raised no objections to Mr. Elias' testimony, even when, half-way through the course of the interview, defense counsel asked if the government credited Mr. Elias' testimony. Defense counsel so inquired because had the government raised any concerns about his credibility, the interview would have been discontinued. At the end of the interview, the government acknowledged that the testimony of Mr. Elias and the testimony of Mr. dos Reis could not be logically harmonized and offered no conclusion as to Mr. Elias' credibility. The next day, prompted by a communication from defense counsel regarding next steps, the government advised for the first time that it did not credit Mr. Elias' explanations. The government then threatened to seek obstruction of justice

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and contest acceptance of responsibility credit for Mr. Elias if defense counsel pressed this issue further with the Court by seeking a *Fatico* hearing or otherwise.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

/s/ Eric Snyder

Eric J. Snyder

Samidh Guha

Giovana Teodoro